

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

IN RE:

Mahlon and Judith Scherf
Debtor.

2000 JUN -6 A 7:58

Case No. SG 00-01593

Chapter 7

Hon. Jo Ann C. Stevenson

**MOTION FOR CONTEMPT FOR VIOLATION OF 11 U.S.C., SECTION 362
OF THE U.S. BANKRUPTCY CODE AND OTHER RELIEF**

NOW COMES the Debtors, Mahlon and Judith Scherf, by and through their attorneys Westshore Creditor Relief Services, P.C. and for the Motion for Contempt for Violation of the Automatic Stay Provisions of the U.S. Bankruptcy Code, state as follows:

1. That the Debtors commenced this Chapter 7 Bankruptcy Proceeding on February 29, 2000.
2. That subsequent to CitiFinancial was listed within Schedule F at the time that case was filed.
3. That on March 17, 2000, CitiFinancial was provided with a copy of the Order and Notice of Stay. A copy of the letter and Proof of Service is attached hereto and incorporated by reference herein.
4. That on March 22, 2000, another copy of the Order and Notice of Stay was provided to CitiFinancial. A copy of the letter and Proof of Service is attached hereto and incorporated by reference herein.
5. That on May 16, 2000 another copy of the Order and Notice of Stay was provided to CitiFinancial. A copy of the letter and Proof of Service is attached hereto and incorporated by reference herein.

16

6. That the Debtors have received yet another notice regarding their past due account. A copy of that notice is attached hereto and incorporated by reference herein.

7. CitiFinancial has continuously sent out these notices disregarding any and correspondences that are set to them advising the Creditor, CitiFinancial of the Chapter 7 Bankruptcy Proceeding.

WHEREFORE, the Debtors, Mahlon and Judith Scherf, pray for an Order holding CitiFinancial in contempt for the violation of the provisions of 11 U.S.C., section 362 of the U.S. Bankruptcy Code, together with sanctions, attorney fees, as well as whatever else is deemed just and necessary under the attendant circumstances.

Dated: June 5, 2000

Westshore Creditor Relief Services, P.C.

By 

Thomas L. Riegler (P28510)
Attorney for Debtors
162 East Eighth Street, Ste. 110
Holland, MI 49423
(616) 393-4978

Riegler & Associates, P.C.
WESTSHORE CREDITOR RELIEF SERVICES, P.C.

Attorneys at Law

162 EAST 8TH STREET
SUITE 110
HOLLAND, MI 49423
(616) 393-2106
FAX (616) 393-8010
E-MAIL tlr@i2k.com

March 17, 2000

CitiFinancial
P.O. Box 220947
Charlotte, NC 28222-0947

Re: Mahlon Scherf
1700 Robbins Road Lot 121
Grand Haven, MI. 49417-2865

To Whom it May Concern:

Enclosed please find the Order and Notice of Stay as it pertains to the above referenced Debtor. Please discontinue from all collection action towards our client. Any further action will be deemed a violation of the U.S. Bankruptcy Code.

Should you have any questions, please feel free to contact our office.

Sincerely,



Carrie Marsman
Legal Assistant

Enclosure

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

IN RE: Mahlon and Judith Scherf

Debtors.

Case No. SG 00-01593

Chapter 7

Hon. Jo Ann C Stevenson

PROOF OF SERVICE

Document(s) Served:

Order of Notice and Stay

Person(s) Served:

National Credit Services Corporation
444 N. Frederick Avenue
P.O. Box 6002
Gaithersburg, MD 20884-6002

Commercial Auditors Corp.
P.O. Box 32407
Minneapolis, MN 55432-0407

Axsys National Bank
P.O. Box 3700
ST. Cloud, MN 49417-2860

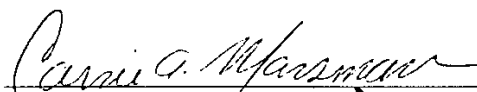
CitiFinancial
P.O. Box 220947
Charlotte, NC 28222-0947

The undersigned certifies that a copy of the documents listed as served above were served upon the parties listed above at their respective addresses by regular first class mail, postage pre-paid, by placing the envelopes in the mail on the date below.

Date of Service:

March 17, 2000

I declare that the statements above are true to the best of my information, knowledge and belief.



Carrie A. Marsman, Assistant to
Thomas L. Riegler, Attorney for Debtor.
Westshore Creditor Relief Services, P.C.

Riegler & Associates, P.C.
WESTSHORE CREDITOR RELIEF SERVICES, P.C.

Attorneys at Law

162 EAST 8TH STREET
SUITE 110
HOLLAND, MI 49423
(616) 393-2106
FAX (616) 393-8010
E-MAIL tlr@i2k.com

March 22, 2000

Citifinancial
P.O. Box 220947
Charlotte, NC 28222-0947

Re: Mahlon and Judith Scherf
Chapter 7 Case No. SG 00-01593
Your Account No. 0500460103601

Dear Mr. and Mrs. Scherf:

Enclosed please find the Order and Notice of Stay as it pertains to the above referenced Debtor. Please discontinue from all collection action towards our client. Any further action will be deemed a violation of the U.S. Bankrutpcy Code.

Should you have any questions, please feel free to contact our office.

Sincerely,



Carrie Marsman
Legal Assistant

Enclosure

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

IN RE: Mahlon and Judith Scherf

Debtors.

Case No. SG 00-01593
Chapter 7
Hon. Jo Ann C. Stevenson

PROOF OF SERVICE

Document(s) Served:
Order of Notice and Stay
Person(s) Served:

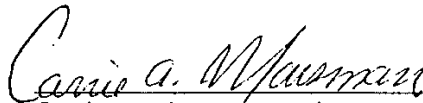
Citifinancial
P.O. Box 220947
Charlotte, NC 28222-0947

The undersigned certifies that a copy of the documents listed as served above were served upon the parties listed above at their respective addressed by regular first class mail, postage pre-paid, by placing the envelopes in the mail on the date below.

Date of Service:

March 22, 2000

I declare that the statements above is true to the best of my information, knowledge and belief.



Carrie A. Marsman, Assistant to
Thomas L. Riegler, Attorney for Debtor.
Westshore Creditor Relief Services, P.C.

Riegler & Associates, P.C.
WESTSHORE CREDITOR RELIEF SERVICES, P.C.

Attorneys at Law

162 EAST 8TH STREET
SUITE 110
HOLLAND, MI 49423
(616) 393-2106
FAX (616) 393-8010
E-MAIL tlr@i2k.com

May 16, 2000

Citifinancial
P.O. Box 220947
Charlotte, NC 20222-0947

Re: Mahlon M. Scherf
Chapter 7 Case No. SG 00-01593
Your Account No. 0500460103601

To Whom It May Concern:

Previously you have been provided notice from the U.S. Bankruptcy Court relative to the above referenced individuals Chapter 7 Bankruptcy. You have ignored that notice and have continued to attempt to collect on a debt that is scheduled for discharge in accordance with the U.S. Bankruptcy Code. This is deemed a violation of the Section 362 Stay.

Please be advised that any further contact with the Debtors, will only cause my firm to prepare the necessary motion for contempt against you for violation of the Automatic Stay Provisions of the U.S. Bankruptcy Code.

Please cease and desist from any further contact with the Debtors. Should you have any questions, please feel free to contact our office.

Very truly yours,

Thomas L. Riegler

Enclosure

Cc: Mr. Scherf

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

IN RE:

Mahlon and Judith Scherf
Debtors.

Case No. SG 00-01593

Chapter 7

Hon. Jo Ann C. Stevenson

PROOF OF SERVICE

Document(s) Served:

Order and Notice of Stay

Person(s) Served:

Citifinancial

P.O. Box 220947

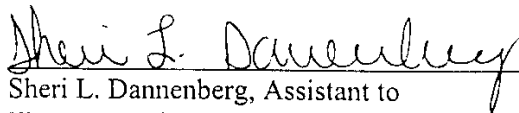
Charlotte, NC 20222-0947

The undersigned certifies that a copy of the documents listed as served above were served upon the parties listed above at their respective addressed by regular first class mail, postage pre-paid, by placing the envelopes in the mail on the date below.

Date of Service:

May 16, 2000

I declare that the statements above is true to the best of my information, knowledge and belief.



Sheri L. Dannenberg, Assistant to
Thomas L. Riegler, Attorney for Debtor.
Westshore Creditor Relief Services, P.C.

CitiFinancial
P. O. Box 220947
Charlotte, NC 28222-0947

MAHLON M SCHERF

1700 ROBBINS RD LOT 121
GRAND HAVEN MI 49417

Account: 0500460103601
Balance: \$4,314.65
~~Past due: \$732.48~~

We have made many appeals to you for your cooperation in obtaining a satisfactory payment schedule on your account. As has been pointed out to you, the neglect of your payments continues to adversely affect your credit rating.

If you are unable to immediately remit the total past due amount, it is imperative that you telephone our office at the number below to discuss a possible reduced payment schedule to assist you in bringing your account up to date.

CitiFinancial
1-800-256-1116

Our hours are as follows: 8:00 am -12:00 am Monday - Thursday EST
8:00 am - 5:30 pm Friday - Saturday EST

/mr4

~~To ensure proper crediting of your payment, please enclose this~~
portion of the letter with your check or money order made payable to CitiFinancial. Mail your payment to CitiFinancial, P.O. Box 220947, Charlotte, NC 28222-0947.

MAHLON M SCHERF
Account: 0500460103601
Amount Enclosed \$ _____

citi financial

ccfd01

TOTAL P.01